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DPD-137-61

5 January 1961

MEMORANDUM FOR: Chief, Administrative Branch, DPD

SUBJECT : Reimbursement for Use of Private Vehicles by  
Military Personnel Called Back to Duty After Hours

1. You have advised that certain military personnel detailed to this Agency and assigned to duty [ ] have been required to return to their places of work after the close of normal working hours to handle emergency situations which have been arising with considerable frequency but which cannot be predicted or planned for in advance. These emergencies relate to ongoing operational activities involving the use of aircraft. These personnel are assigned quarters [ ] and have no independent choice as to where they will live. These quarters are some fifteen miles from their work stations.

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2. Because of the financial burden imposed on these persons, particularly the enlisted personnel, who have been responding to operational calls back by driving their personal vehicles from their quarters to work, the question has been raised as to whether the Agency may reimburse for this expense. It is made clear that such reimbursement would be only for trips in excess of one round trip daily, since it is assumed that a Government employee has a personal financial responsibility for getting to and from his place of work at normal working hours.

3. My research of this question through the Federal statutes and the opinions of the Comptroller General indicates that we may have difficulty in distinguishing this situation from those in which the Comptroller General has denied relief. The general circumstance that Government employees have been called back to duty after hours is not one unique to the intelligence business, although the precise cause of the call-back may relate to our unusual activities. Thus, if we were to ask the General Accounting Office for an advisory opinion in this case, there is a good possibility that we would be told that we are not authorized to spend either vouchered or unvouchered funds for this purpose. Because of the frequency with which this question has been raised with GAO, it would be difficult for us to refrain from consulting them on such a matter.

4. If we must eventually consult GAO, we would be in a better position to do so if we could show as appealingly as possible the inequity of the present situation, plus the fact that all alternatives except direct reimbursement have been tried without avail. The possible use of the base motor pool or some local arrangements whereby official vehicles could be made available (even if we have to reimburse the Air Force as a cost of general support) should be investigated. Will you please check out this point.

DPD-137-61  
Page 2

5. I will run down some further leads involving the possible application of the Joint Travel Regulations and reimbursement at seven cents per mile under the authority of 40 USC 491(m). This section provides in effect that military personnel who incur transportation expenses "in conducting Government business within the limits of their duty stations" may be reimbursed for use of POVs. According to Senate Report No. 1941 on this legislation and 39 Comp. Gen. 131 which interprets it, the intent of this law was to allow payment to members of the uniformed services for traveling expenses on the same basis as permitted for civilian Government employees. What is presently not clear is whether or not this law can be interpreted so as to apply to the call-back situation.



Assistant General Counsel, DPD-DD/P

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DPD:OGC [redacted]

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